WP(C) 6143/2007
BEFORE

THE HON’BLE MR. JUSTICE RANJAN GOGOI

Heard Sri SK Sarkar, learned counsel for the petitioner.

In view of the subject matter involved, final orders in the writ petition are being passed at the motion stage.

The petitioner is the owner of one Mahindra Pick-up Van bearing registration No. AS-01/AC/6530. According to the petitioner, he had purchased the said vehicle on 23.10.2007 by obtaining loan from the financial institution and as per the loan agreement executed by him he is required to pay monthly instalment of Rs.12,020/- for a period of 3(three) years. According to the petitioner, in the course of use of the vehicle he had encountered difficulties and obstructions caused by police personnel of the State, who had often threatened the petitioner that his vehicle will be requisitioned. Entertaining an apprehension that the aforesaid threats will be carried out in which event the petitioner will suffer huge business damages and will not be able to pay the bank loan, the present writ petition has been filed seeking appropriate protection from the Court.

The power to requisition public vehicles has been conferred on authorities of the State by an Act of the State Legislature known as Assam Requisition and Control of Vehicles Act, 1968. Detailed provisions have been incorporated in the said Act laying down the situations in which a public vehicle can be requisitioned and also prescribing the manner of exercise of the power. Requisition of vehicles, even public vehicles, should not be resorted to unless there is a requirement as contemplated by the Act. In such a situation, the provisions of the Act laying down the manner in which requisition has to be effected have to be strictly adhered to.

In the above circumstances, the Court is of the view that the writ petition should be disposed of at the motion stage by directing that the vehicle of the petitioner shall not be requisitioned except in accordance with the provisions of the Assam Requisition and Control of Vehicles Act, 1968 and that no undue obstructions or difficulties should be created in running of the vehicle of the petitioner.

This will dispose of the writ petition.